## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION

Ra Maat Ptah Atum, a/k/a James Jordan,	)	C.A. No. 3:05-3361-CMC-JRM
Petitioner,	)	
v.	)	OPINION and ORDER
Jon Ozmint, Director of South Carolina	)	
Department of Corrections; State of South	)	
Carolina; and Attorney General of the State of	)	
South Carolina,	)	
	)	
Respondents.	)	
	_)	

This matter is before the court on Petitioner's *pro se* application for habeas corpus relief pursuant to 28 U.S.C. § 2254.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(c), DSC, this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pre-trial proceedings and a Report and Recommendation. On December 4, 2006, the Magistrate Judge issued a Report recommending that Respondents' motion for summary judgment be granted, and the petition dismissed as untimely. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Petitioner filed objections to the Report on December 13, 2006.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the

recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and Petitioner's objections, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order as amended.<sup>1</sup>

Petitioner's objections raise no legally meritorious issues regarding the findings of the Magistrate Judge. Therefore, Respondent's motion for summary judgment is **granted**, all other pending motions are **denied**, and this Petition is dismissed as untimely.

IT IS SO ORDERED.

s/ Cameron McGowan Currie CAMERON McGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina January 19, 2007

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<sup>&</sup>lt;sup>1</sup>The Report contains an error on page 3 in the third sentence. That sentence should read: "The Remittitur was returned on <u>March 25, 2003</u>."